

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PAUL DAVID JOHNSON,  
Plaintiff,  
v.  
JOSEPH CHUDY,  
Defendant.

Case No. [14-cv-04958-JST](#)

**ORDER DENYING MOTION TO  
COMPEL PRODUCTION OF  
DOCUMENTS**

Re: ECF No. 61

Plaintiff, a California prisoner currently incarcerated at Correctional Training Facility, filed this *pro se* civil rights action under 42 U.S.C. § 1983, alleging that Dr. Chudy was deliberately indifferent to his serious medical needs. On June 28, 2017, the Court dismissed this action with prejudice as time-barred, finding that, on its face, the second amended complaint indicated that Plaintiff's claims were time-barred and further amendment would be futile. ECF No. 49. That same day, the Court entered judgment in favor of Dr. Chudy. ECF No. 50. On July 5, 2017, Plaintiff filed a notice of appeal with the Ninth Circuit Court of Appeals. ECF No. 51. Plaintiff's appeal is still currently pending with the Ninth Circuit.

On July 10, 2019, two years after this action was dismissed, Plaintiff filed a motion to compel documents pursuant to California's Information Practices Act, Cal. Civil Code § 1798.34,<sup>1</sup> and pursuant to California's Public Records Act, Cal. Gov't Code § 6252 *et seq.* ECF No. 61. Plaintiff seeks to compel Defendant Chudy to produce documents related to any "all records,

---

<sup>1</sup> Plaintiff has mistakenly identified Cal. Civil Code § 1798.34 as the "Freedom of Information Act." *See generally* ECF No. 61. Cal. Civil Code § 1798 *et seq.* is the Information Practices Act of 1977 and it addresses an individual's right to privacy and an individual's right to access his or her personal information that is maintained by state agencies. *See generally* Cal. Civil Code § 1798 *et seq.*

1 investigations, malpractice, negligence and failure to properly diagnose or treat wrongdoings  
2 disciplinary actions (sic) from January 2005 to September 2009.” ECF No. 61 at 1. The Court  
3 DENIES Plaintiff’s motion to compel because the filing of the notice of appeal divested this Court  
4 of jurisdiction over the matters being appealed. *Natural Res. Def. Council, Inc. v. Southwest*  
5 *Marine Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001) (citing *Griggs v. Provident Consumer Discount*  
6 *Co.*, 459 U.S. 56, 58 (1982)). Plaintiff appears to be seeking additional discovery related to his  
7 claim that Dr. Chudy was deliberately indifferent to his serious medical needs, which is the subject  
8 of this action. Accordingly, the Court is without jurisdiction to consider this motion.

9 This order terminates ECF No. 61. This case remains closed.

10 **IT IS SO ORDERED.**

11 Dated: August 14, 2019

12   
13 JON S. TIGAR  
14 United States District Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28